

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:18-cv-00086-CRC**

DAVIS v. UNITED STATES FEDERAL BUREAU OF
INVESTIGATION et al
Assigned to: Judge Christopher R. Cooper
Cause: 05:552 Freedom of Information Act

Date Filed: 01/10/2018
Jury Demand: None
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

DONOVAN DAVIS, JR.

represented by **DONOVAN DAVIS, JR.**
R60439-018
COLEMAN LOW
FEDERAL CORRECTIONAL
INSTITUTION
Inmate Mail/Parcels
P.O. BOX 1031
COLEMAN, FL 33521
PRO SE

V.

Defendant

**UNITED STATES FEDERAL
BUREAU OF INVESTIGATION**
TERMINATED: 07/08/2019

represented by **Joshua L. Rogers**
U.S. ATTORNEY'S OFFICE FOR THE
DISTRICT OF COLUMBIA
555 Fourth Street, NW
Washington, DC 20530
(202) 252-2578
Fax: (202) 252-2599
Email: joshua.rogers3@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Alexander Daniel Shoaibi
U.S. ATTORNEY'S OFFICE FOR THE
DISTRICT OF COLUMBIA
555 Fourth Street, NW
Washington, DC 20530
(202) 252-2511
Fax: (202) 252-2599
Email: alexander.d.shoaibi@usdoj.gov
TERMINATED: 07/27/2018

Defendant

**EXECUTIVE OFFICE FOR THE
UNITED STATES ATTORNEY**

represented by **Joshua L. Rogers**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Alexander Daniel Shoaibi
(See above for address)
TERMINATED: 07/27/2018

Defendant

UNITED STATES SECRET SERVICE
TERMINATED: 07/08/2019

represented by **Joshua L. Rogers**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Alexander Daniel Shoaibi
 (See above for address)
 TERMINATED: 07/27/2018

Date Filed	#	Docket Text
01/10/2018	<u>1</u>	COMPLAINT against EXECUTIVE OFFICE FOR THE UNITED STATES ATTORNEY, UNITED STATES FEDERAL BUREAU OF INVESTIGATION, UNITED STATES SECRET SERVICE (Filing fee \$ 400, receipt number 4616089101) filed by DONOVAN DAVIS, JR. (Attachments: # <u>1</u> Exhibit, # <u>2</u> Civil Cover Sheet)(jf) (Entered: 01/16/2018)
01/10/2018		SUMMONS Not Issued as to EXECUTIVE OFFICE FOR THE UNITED STATES ATTORNEY, UNITED STATES FEDERAL BUREAU OF INVESTIGATION, UNITED STATES SECRET SERVICE (jf) (Entered: 01/16/2018)
02/13/2018		SUMMONS (5) Issued as to EXECUTIVE OFFICE FOR THE UNITED STATES ATTORNEY, UNITED STATES FEDERAL BUREAU OF INVESTIGATION, UNITED STATES SECRET SERVICE, U.S. Attorney and U.S. Attorney General (zmd) (Entered: 02/13/2018)
03/27/2018	<u>2</u>	NOTICE of Appearance by Alexander Daniel Shoaibi on behalf of All Defendants (Shoaibi, Alexander) (Entered: 03/27/2018)
03/27/2018	<u>3</u>	MOTION for Extension of Time to <i>Respond to Complaint</i> by EXECUTIVE OFFICE FOR THE UNITED STATES ATTORNEY, UNITED STATES FEDERAL BUREAU OF INVESTIGATION, UNITED STATES SECRET SERVICE (Shoaibi, Alexander) (Entered: 03/27/2018)
03/28/2018		MINUTE ORDER granting <u>3</u> Defendants' Motion for Extension of Time. Defendants' response to the complaint shall now be due by April 27, 2018. Signed by Judge Christopher R. Cooper on 3/28/2018. (lccrc2) (Entered: 03/28/2018)
03/28/2018		Set/Reset Deadlines: Answer due by 4/27/2018 (lsj) (Entered: 03/28/2018)
03/29/2018	<u>4</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. EXECUTIVE OFFICE FOR THE UNITED STATES ATTORNEY served on 2/26/2018; UNITED STATES FEDERAL BUREAU OF INVESTIGATION served on 2/26/2018; UNITED STATES SECRET SERVICE served on 3/1/2018, RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 2/26/18., RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 2/26/2018. (Answer due for ALL FEDERAL DEFENDANTS by 3/28/2018.) (td) (Entered: 04/02/2018)
04/27/2018	<u>5</u>	Second MOTION for Extension of Time to <i>Respond to Complaint</i> by EXECUTIVE OFFICE FOR THE UNITED STATES ATTORNEY, UNITED STATES FEDERAL BUREAU OF INVESTIGATION, UNITED STATES SECRET SERVICE (Shoaibi, Alexander) (Entered: 04/27/2018)
04/30/2018		MINUTE ORDER granting <u>5</u> Defendants' Motion for Extension of Time. Defendants' response to the complaint shall now be due by May 11, 2018. Signed by Judge Christopher R. Cooper on 4/30/2018. (lccrc2) (Entered: 04/30/2018)
05/01/2018		Set/Reset Deadlines: Answer due by 5/11/2018 (lsj) (Entered: 05/01/2018)
05/11/2018	<u>6</u>	ANSWER to <u>1</u> Complaint, by EXECUTIVE OFFICE FOR THE UNITED STATES ATTORNEY, UNITED STATES FEDERAL BUREAU OF INVESTIGATION, UNITED STATES SECRET SERVICE. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit A-H)(Shoaibi, Alexander) (Entered: 05/11/2018)
05/14/2018		MINUTE ORDER: Before the Court in this FOIA case are a complaint and an answer. Since the requirements of LCvR 16.3 and Rule 26(f) of the Federal Rules of Civil Procedure do not apply, it is hereby ORDERED that Defendants shall file a proposed schedule for production or briefing by May 29, 2018. Signed by Judge Christopher R.

		Cooper on 5/14/2018. (lccrc2) (Entered: 05/14/2018)
05/14/2018		Set/Reset Deadlines: Proposed Briefing Schedule or Production due by 5/29/2018 (lsj) (Entered: 05/14/2018)
05/29/2018	<u>7</u>	PROPOSED BRIEFING SCHEDULE re Order, Set/Reset Deadlines by EXECUTIVE OFFICE FOR THE UNITED STATES ATTORNEY, UNITED STATES FEDERAL BUREAU OF INVESTIGATION, UNITED STATES SECRET SERVICE. (Shoaibi, Alexander) (Entered: 05/29/2018)
05/30/2018		MINUTE ORDER: In light of <u>7</u> the proposed schedule for production and briefing, it is hereby ordered that the following summary judgment briefing schedule shall apply: Defendants' motion for summary judgment shall be due by August 7, 2018; Plaintiff's combined opposition and cross-motion for summary judgment shall be due by September 6, 2018; Defendants' combined reply and opposition shall be due by October 9, 2018; and Plaintiff's reply shall be due by November 8, 2018. Signed by Judge Christopher R. Cooper on 5/30/2018. (lccrc2) (Entered: 05/30/2018)
05/30/2018		Set/Reset Deadlines: Summary Judgment motions due by 8/7/2018. Response to Motion for Summary Judgment due by 9/6/2018. Reply to Motion for Summary Judgment due by 10/9/2018. Plaintiff's Reply due by 11/8/2018. (lsj) (Entered: 05/30/2018)
05/31/2018		ENTERED IN ERROR.....Set/Reset Deadlines: Summary Judgment motions due by 8/7/2018. Response to Motion for Summary Judgment due by 9/6/2018. Reply to Motion for Summary Judgment due by 10/9/2018. Plaintiff's Reply due by 11/8/2018. (lsj) Modified on 5/31/2018 (zlsj). (Entered: 05/31/2018)
07/25/2018	<u>8</u>	NOTICE of Appearance by Joshua L. Rogers on behalf of All Defendants (Rogers, Joshua) (Entered: 07/25/2018)
08/02/2018	<u>9</u>	MOTION for Extension of Time to File <i>Dispositive Motion</i> by EXECUTIVE OFFICE FOR THE UNITED STATES ATTORNEY, UNITED STATES FEDERAL BUREAU OF INVESTIGATION, UNITED STATES SECRET SERVICE (Attachments: # <u>1</u> Text of Proposed Order)(Rogers, Joshua) (Entered: 08/02/2018)
08/03/2018		VACATED PURSUANT TO MINUTE ORDER ENTERED ON 9/21/2018.....MINUTE ORDER granting <u>9</u> Defendant's Motion for Extension of Time and vacating scheduling order entered May 30, 2018. The following summary judgment briefing schedule shall apply: Defendants' motion for summary judgment shall be due by September 21, 2018; Plaintiff's combined opposition and cross-motion for summary judgment shall be due by October 21, 2018; Defendants' combined reply and opposition shall be due by November 23, 2018; and Plaintiff's reply shall be due by December 22, 2018. Signed by Judge Christopher R. Cooper on 8/3/2018. (lccrc2) Modified on 9/21/2018 (zlsj). (Entered: 08/03/2018)
08/06/2018		Set/Reset Deadlines: Summary Judgment motions due by 9/21/2018. Plaintiff's Response and Cross Motion to Motion for Summary Judgment due by 10/21/2018. Defendants' Reply and Opposition to Motion for Summary Judgment due by 11/23/2018. Plaintiff's Reply due by 12/22/2018. (lsj) (Entered: 08/06/2018)
09/18/2018	<u>10</u>	MOTION for Extension of Time to File <i>Motion for Summary Judgment</i> by EXECUTIVE OFFICE FOR THE UNITED STATES ATTORNEY, UNITED STATES FEDERAL BUREAU OF INVESTIGATION, UNITED STATES SECRET SERVICE (Attachments: # <u>1</u> Text of Proposed Order)(Rogers, Joshua) (Entered: 09/18/2018)
09/21/2018		MINUTE ORDER: Defendants' <u>10</u> Motion for an Extension of Time is hereby GRANTED. The adjusted briefing schedule will be as follows: Defendants' motion for summary judgment is now due by November 20, 2018; Plaintiff's combined cross-motion for summary judgment and opposition is now due by December 20, 2018; Defendants' combined opposition and reply is now due by January 22, 2019; and Plaintiff's reply is due now due by February 20, 2019. However, no further extensions of Defendants' summary judgment briefing deadline will be granted. While the Court appreciates counsel's busy schedule, this extension will delay briefing by 3 1/2 months past the original deadline proposed by the government, in addition to the 45-day extension of the government's deadline to answer the complaint. The Court observes

		that the USAO's apparent resource constraints in FOIA matters appears to be an issue that should be addressed by management. Signed by Judge Christopher R. Cooper on 9/21/2018. (lccrc2) (Entered: 09/21/2018)
09/21/2018		Set/Reset Deadlines: Summary Judgment motions due by 11/20/2018. Response to Motion for Summary Judgment due by 12/20/2018. Reply to Motion for Summary Judgment due by 1/22/2019. Replies due by 2/20/2019. (lsj) (Entered: 09/21/2018)
11/20/2018	<u>11</u>	MOTION to Dismiss <i>or in the Alternative</i> , MOTION for Summary Judgment by EXECUTIVE OFFICE FOR THE UNITED STATES ATTORNEY, UNITED STATES FEDERAL BUREAU OF INVESTIGATION, UNITED STATES SECRET SERVICE (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Statement of Facts, # <u>3</u> Text of Proposed Order, # <u>4</u> Declaration FBI, # <u>5</u> Declaration EOUSA – Jones, # <u>6</u> Declaration EOUSA – Smith, # <u>7</u> Declaration Secret Service, # <u>8</u> Declaration EOUSA – Hoobler)(Rogers, Joshua).....WITHDRAWN AS TO DEFENDANT EOUSA ONLY, PURSUANT TO MINUTE ORDER FILER 5/24/2019.....Modified on 5/28/2019 (znmw). (Entered: 11/20/2018)
12/17/2018	<u>12</u>	RESPONSE re <u>11</u> MOTION to Dismiss <i>or in the Alternative</i> MOTION for Summary Judgment filed by DONOVAN DAVIS, JR. (Attachments: # <u>1</u> Exhibit 1–4)(ztd) (Entered: 12/19/2018)
12/26/2018	<u>13</u>	MOTION to Stay <i>All Proceedings in Light of Lack of Appropriations</i> by EXECUTIVE OFFICE FOR THE UNITED STATES ATTORNEY, UNITED STATES FEDERAL BUREAU OF INVESTIGATION, UNITED STATES SECRET SERVICE (Attachments: # <u>1</u> Text of Proposed Order)(Rogers, Joshua) (Entered: 12/26/2018)
12/26/2018	<u>14</u>	ERRATA by EXECUTIVE OFFICE FOR THE UNITED STATES ATTORNEY, UNITED STATES FEDERAL BUREAU OF INVESTIGATION, UNITED STATES SECRET SERVICE. (Attachments: # <u>1</u> Corrected Motion to Stay)(Rogers, Joshua) (Entered: 12/26/2018)
12/27/2018		MINUTE ORDER granting <u>13</u> Defendants' Motion to Stay Proceedings. All deadlines in the case shall be stayed pending renewed funding. Signed by Judge Christopher R. Cooper on 12/27/2018. (lccrc2) (Entered: 12/27/2018)
12/31/2018	<u>15</u>	Memorandum in opposition to re <u>13</u> MOTION to Stay <i>All Proceedings in Light of Lack of Appropriations</i> filed by DONOVAN DAVIS, JR. (ztd) (Entered: 01/08/2019)
02/01/2019		MINUTE ORDER: In light of the restoration of appropriations, the stay in this case is lifted. The parties shall provide a joint status report on or before February 8, 2019, which shall include a proposed schedule for future proceedings.. Signed by Judge Christopher R. Cooper on 2/1/2019. (lccrc2) (Entered: 02/01/2019)
02/05/2019		Set/Reset Deadlines: Joint Status Report due by 2/8/2019 (lsj) (Entered: 02/05/2019)
02/13/2019	<u>16</u>	STATUS REPORT by DONOVAN DAVIS, JR. (ztd) (Entered: 02/14/2019)
03/05/2019	<u>17</u>	NOTICE by DONOVAN DAVIS, JR (ztd) (Entered: 03/06/2019)
03/08/2019	<u>18</u>	MOTION for Leave to File <i>Defendants' Reply</i> by EXECUTIVE OFFICE FOR THE UNITED STATES ATTORNEY, UNITED STATES FEDERAL BUREAU OF INVESTIGATION, UNITED STATES SECRET SERVICE (Graham–Oliver, Heather) (Entered: 03/08/2019)
03/11/2019		MINUTE ORDER granting <u>18</u> Defendants' Motion for Leave to File Reply. Defendants' reply is now due on or before April 9, 2019. Signed by Judge Christopher R. Cooper on 3/11/2019. (lccrc2) (Entered: 03/11/2019)
03/11/2019		Set/Reset Deadlines: Replies due by 4/9/2019. (lsj) (Entered: 03/11/2019)
04/04/2019	<u>19</u>	MOTION for Extension of Time to File Response/Reply by EXECUTIVE OFFICE FOR THE UNITED STATES ATTORNEY, UNITED STATES FEDERAL BUREAU OF INVESTIGATION, UNITED STATES SECRET SERVICE (Attachments: # <u>1</u> Text of Proposed Order)(Rogers, Joshua) (Entered: 04/04/2019)
04/05/2019		MINUTE ORDER granting <u>19</u> Defendants' Motion for Extension of Time to File Response/Reply. Defendants shall file their reply on or before May 9, 2019. Further requests for extension of this deadline will be viewed with disfavor. Signed by Judge

		Christopher R. Cooper on 4/5/2019. (lccrc2) (Entered: 04/05/2019)
04/05/2019		Set/Reset Deadlines: Replies due by 5/9/2019. (znbn) (Entered: 04/08/2019)
05/09/2019	<u>20</u>	MOTION for Extension of Time to File Response/Reply by EXECUTIVE OFFICE FOR THE UNITED STATES ATTORNEY, UNITED STATES FEDERAL BUREAU OF INVESTIGATION, UNITED STATES SECRET SERVICE (Attachments: # <u>1</u> Text of Proposed Order)(Rogers, Joshua) (Entered: 05/09/2019)
05/10/2019		MINUTE ORDER granting <u>20</u> Motion for Extension of Time to File Response/Reply. Defendants' reply is now due on or before May 23, 2019. Signed by Judge Christopher R. Cooper on 5/10/2019. (lccrc2) (Entered: 05/10/2019)
05/13/2019		Set/Reset Deadlines: Replies due by 5/23/2019. (lsj) (Entered: 05/13/2019)
05/23/2019	<u>21</u>	REPLY to opposition to motion re <u>11</u> MOTION to Dismiss <i>or in the Alternative</i> MOTION for Summary Judgment filed by UNITED STATES FEDERAL BUREAU OF INVESTIGATION, UNITED STATES SECRET SERVICE. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B)(Rogers, Joshua) (Entered: 05/23/2019)
05/23/2019	<u>22</u>	MOTION to Withdraw <u>11</u> MOTION to Dismiss <i>or in the Alternative</i> MOTION for Summary Judgment <i>Pertaining to EOUSA</i> by EXECUTIVE OFFICE FOR THE UNITED STATES ATTORNEY (Attachments: # <u>1</u> Text of Proposed Order)(Rogers, Joshua) (Entered: 05/23/2019)
05/24/2019		MINUTE ORDER granting <u>22</u> Defendants' Motion to Withdraw the portion of <u>11</u> its motion for summary judgment pertaining to Defendant EOUSA. EOUSA shall file any renewed dispositive motion on or before June 24, 2019; Plaintiff shall file any opposition to the motion on or before July 24, 2019; and EOUSA shall file its reply on or before August 21, 2019. Signed by Judge Christopher R. Cooper on 5/24/2019. (lccrc2) (Entered: 05/24/2019)
05/24/2019		Set/Reset Deadlines: Renewed dispositive motion due by 6/24/2019. Responses due by 7/24/2019. Replies due by 8/21/2019. (znbn) (Entered: 05/24/2019)
06/24/2019	<u>23</u>	MOTION for Summary Judgment by EXECUTIVE OFFICE FOR THE UNITED STATES ATTORNEY (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Statement of Facts, # <u>3</u> Text of Proposed Order, # <u>4</u> Declaration (Theodore Smith), # <u>5</u> Declaration (Megan Hoobler))(Rogers, Joshua) (Entered: 06/24/2019)
07/03/2019	<u>24</u>	ORDER granting <u>11</u> Motion for Summary Judgment as to FBI and Secret Service. See full Order and accompanying Memorandum Opinion for details. Signed by Judge Christopher R. Cooper on 7/3/2019. (lccrc2) (Entered: 07/03/2019)
07/03/2019	<u>25</u>	MEMORANDUM OPINION re <u>24</u> Order granting motion for summary judgment as to FBI and Secret Service. Signed by Judge Christopher R. Cooper on 7/3/2019. (lccrc2) (Entered: 07/03/2019)
07/10/2019	<u>26</u>	RESPONSE re <u>23</u> MOTION for Summary Judgment filed by DONOVAN DAVIS, JR. (Attachments: # <u>1</u> Exhibit 1-10)(ztd) (Entered: 07/12/2019)
07/16/2019	<u>27</u>	MOTION for Extension of Time to File Response/Reply by EXECUTIVE OFFICE FOR THE UNITED STATES ATTORNEY (Attachments: # <u>1</u> Text of Proposed Order)(Rogers, Joshua) (Entered: 07/16/2019)
07/17/2019		MINUTE ORDER granting <u>27</u> Defendant's Motion for Extension of Time to File Reply. Defendant's reply brief is now due on or before August 19, 2019. Signed by Judge Christopher R. Cooper on 7/17/2019. (lccrc2) (Entered: 07/17/2019)
07/18/2019		Set/Reset Deadlines: Defendant's Reply Brief due by 8/19/2019. (lsj) (Entered: 07/18/2019)
08/15/2019	<u>28</u>	MOTION for Extension of Time to File Response/Reply by EXECUTIVE OFFICE FOR THE UNITED STATES ATTORNEY (Attachments: # <u>1</u> Text of Proposed Order)(Rogers, Joshua) (Entered: 08/15/2019)
08/16/2019		MINUTE ORDER granting <u>28</u> Defendant's Motion for Extension of Time to File Response/Reply. The reply shall now be due on or before September 16, 2019. In light of Defendant's prior requests for extensions of the briefing deadlines in this case, no

		further extensions of this deadline will be granted. Signed by Judge Christopher R. Cooper on 8/16/2019. (lccrc2) (Entered: 08/16/2019)
08/16/2019		Set/Reset Deadlines: Replies due by 9/16/2019. (znbn) (Entered: 08/16/2019)
08/28/2019	<u>29</u>	NOTICE by EXECUTIVE OFFICE FOR THE UNITED STATES ATTORNEY (Rogers, Joshua) (Entered: 08/28/2019)
09/03/2019		MINUTE ORDER: Upon consideration of <u>29</u> EOUSA's Notice, it is hereby ORDERED that the case shall remain STAYED until October 3, 2019. EOUSA shall file a status report regarding the D.C. records by October 3, 2019, in which it should advise the Court as to long how it expects it will take to process them. Signed by Judge Christopher R. Cooper on 9/3/19. (lccrc2) (Entered: 09/03/2019)
09/03/2019		Case Stayed until 10/3/2019. (znbn) (Entered: 09/04/2019)
09/03/2019		Set/Reset Deadlines: Status Report due by 10/3/2019. (znbn) (Entered: 09/04/2019)
09/04/2019		Set/Reset Deadlines: Status Report due by 10/3/2019 (lsj) (Entered: 09/04/2019)
09/11/2019	<u>30</u>	MOTION for Extension of Time to File Response/Reply by DONOVAN DAVIS, JR (ztd); ("Leave to file Granted." Motion for leave to respond is hereby DENIED as moot given that the Court ordered a stay of the current deadlines on September 3, 2019, rather than bifurcated summary judgment proceedings. Plaintiff's request to respond is therefore moot." Signed by Judge Christopher R. Cooper on 9/11/19.) Modified to add text on 9/16/2019 (znmw). (Entered: 09/12/2019)
09/12/2019		MINUTE ORDER finding as moot <u>30</u> Plaintiff's Motion for Leave to Respond. Plaintiff's motion for leave to respond to <u>29</u> EOUSA's Notice is hereby DENIED as moot, given that the Court ordered a stay of the current deadlines on September 3, 2019, rather than bifurcated summary judgment proceedings. Plaintiff's request to respond is therefore moot. Signed by Judge Christopher R. Cooper on 9/11/19. (lccrc2) (Entered: 09/12/2019)
10/03/2019	<u>31</u>	STATUS REPORT by EXECUTIVE OFFICE FOR THE UNITED STATES ATTORNEY. (Rogers, Joshua) (Entered: 10/03/2019)